

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
July 1, 2013**

CALL TO ORDER

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on July 1, 2013.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Quigley, Wickstrom and Withhart.

Councilmember Johnson was absent.

APPROVAL OF AGENDA

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to approve the July 1, 2013 agenda as submitted.

VOTE: Ayes - 4 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

Mr. Mike Morse, 1648 Lois Drive, stated that he wrote a letter to the City but has not received a response. He submitted a copy of the letter.

City Manager Schwerm stated that he received an email from Mr. Morse. However, this matter is in litigation, and he has asked the City's Attorneys to draft a response to Mr. Morse's legal counsel. Following the court's decision regarding Mr. Morse's garage, Community Development Director Tom Simonson and Building Official Steve Nelson went out to meet with Mr. Morse to see if there would be any middle ground to reach an agreement. That effort was not successful. The matter has been appealed and is now in litigation again.

Mr. Morse stated that he no longer has representation and the letter should come directly to him. City Attorney Kelly stated that he will respond to Mr. Morse's legal counsel. Mr. Morse stated he no longer has representation.

Mr. Tom Lemke, 5577 Schutta Road, announced that the Shoreview Northern Lights Variety Band will play at West Park in White Bear Lake on July 4th. All are welcome.

Mr. Tom Kramer, 4444 Chatsworth Street, stated that he sent a letter requesting the City to change the wording in question No. 141 of the Community Survey to add the advantages and disadvantages of organized trash collection.

Mayor Martin stated that Decision Resources drafts the questions and advises the City on wording to make sure the questions are not leading. City Manager Schwerm added that Decision Resources has asked this question in a number of cities in the metropolitan area. By putting pros and cons in the question, it is no longer neutral. The City has not asked that details of facts and figures be put in that question but that the question be neutral. If pro and con information was included in the question, the survey would be delayed while the City verified the data presented.

Mr. Kramer stated that the question is confusing in that at one point it states one hauler for different sections in the City and at another point it states one hauler for the City. He contacted Decision Resources and was told that if the facts could be substantiated, it would be up to the City to decide whether to include that information. The information is in the MPCA 2009 report, pages 51 through 67. He offered to send a copy to the City. If this information is presented and residents still do not want organized trash collection, the City will get the same response as in other years.

Mayor Martin stated that when the Council receives the results, the information Mr. Kramer submitted will be taken into consideration. Mr. Schwerm noted that some of the language was modified to clarify that organized collection would not mean just one hauler in the City.

Councilmember Wickstrom stated that the legislature made changes in the law for cities who are interested in organized collection. A forum will be held to inform officials on the new process, which she will attend. She agreed that it does save a lot of money and thanked Mr. Kramer for raising the issue.

Mrs. Patricia Raeker and Mr. Dean Raeker, Board Members of the Shoreview-Einhausen Sister City Association, announced a fundraiser for Operation Rooster. A rooster gift is in process of being shipped to Einhausen, Germany for the 10th anniversary of Shoreview and Einhausen being sister cities. Donations can be sent to SESCA or by logging into www.sesca.org.

COUNCIL COMMENTS

Mayor Martin:

Finance Director Jeanne Haapala has received the 2013 Leadership Award from the League of Minnesota Cities. It is the highest award given by the League of Minnesota Cities. She has been an instrumental part of helping the City to raise its bond rating twice. Shoreview now has a AAA bond rating, which is very unusual for a city of Shoreview's size.

Residents are asked to have cleanup of branches and trees from the recent storm at the curb by Friday, when the last pickup will take place.

On Monday, July 8, the City's new website will be launched. All are encouraged to look at it.

A new sound system will be in place in the Council Chambers by the end of July.

Councilmember Quigley:

The annual *Night to Unite* will be Tuesday, August 6, 2013, when neighborhoods organize block parties. The Ramsey County Sheriff and Fire Department plan to have representatives at each party. It is an important event for public safety.

Councilmember Wickstrom:

Beyond the Yellow Ribbon will hold its monthly *Build A Burger* night on Monday, July 8, 2013, with root beer floats afterward. It is at the White Bear Lake VFW on Highway 61.

Councilmember Withhart:

The Sheriff's Department has sent out a letter regarding *Night to Unite*. For anyone who has not hosted a party, he urged residents to go to the Sheriff's website. It is an easy process to organize, and many handouts and good information are available. Mr. Schwerm added that anyone who wants to organize a party should be registered by July 19, 2013. The Sheriff's Department wants to make sure a deputy attends each block party.

Slice of Shoreview will be July 26 through July 28. This is a weekend of many fun family events. Information is at www.sliceofshoreview.com.

The 13th *Tour de Trails* bike ride will be Sunday, July 28, 2013. Riders begin at 7:30 to 8:30 at the Deluxe parking lot.

CONSENT AGENDA

The June 17, 2013 City Council workshop meeting minutes were pulled for a correction. Councilmember Wickstrom corrected a reference on page 2 regarding free public access channels to state that Comcast no longer wishes to offer those channels for free.

MOTION: by Councilmember Quigley, seconded by Councilmember Withhart to approve the Consent Agenda for July 1, 2013, and all relevant resolutions for item Nos. 1 through 9, with the correction noted to the June 17, 2013 City Council workshop minutes:

1. June 17, 2013 City Council Workshop Meeting Minutes, as corrected
2. June 17, 2013 City Council Meeting Minutes
3. Receipt of Committee/Commission Minutes:
 - Economic Development Commission, May 21, 2013
 - Parks and Recreation Commission, May 23, 2013
 - Economic Development Authority, June 17, 2013
 - Environmental Quality Committee, June 24, 2013
4. Verified Claims in the Amount of \$2,123,507.22
5. Purchases
6. License Applications
7. Approval of Application for Temporary Intoxicating Liquor License and Lawful Gambling Permit - St. Odilia Catholic Church
8. Comprehensive Plan - Lawrence Signs/Northern Tier Retail, 3592 Lexington Avenue
9. Developer Escrow Reduction

VOTE: Ayes - 4 Nays - 0

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS

APPROVAL OF PURCHASE AGREEMENT FOR CITY ACQUISITION OF PROPERTY - RICHARD MCGUIRE, 3339 VICTORIA STREET NORTH

Presentation by Asst. City Manager/Community Development Director Tom Simonson

This property has been a long-standing nuisance and blight in the neighborhood. For over 20 years, the City has been engaged in code enforcement actions. In 2000, a District Court order granted the City authority to “take all steps necessary and reasonable to bring property to compliance” with City Code. Three separate abatement actions have been taken--in 1999, 2007 and in 2009. Special assessments and past due property taxes resulted in the property owner entering a Confession of Judgment with Ramsey County to avoid forfeiture. The property owner has been in compliance with this judgment for the past 10 years. There have also been delinquent utility bills over the years. Recently, an administrative search warrant was executed to enter the house and determine interior conditions. As a result, the property was posted “uninhabitable,” and access restrictions were imposed on the property owner to enter the house.

At its May 20, 2013 Council meeting, the City Council authorized condemnation of the property. However, the City Council and Economic Development Authority directed staff to continue negotiations for a purchase agreement. An agreement has been reached and signed by the property owner. It is presented for approval at this meeting. The purchase price is in the amount of \$210,895. The City had the property appraised and the value is \$150,000, but that does not reflect the costs of relocation and legal expenses with the condemnation action. Should the City have had to pursue condemnation, it is believed the City would have had to spend close to the purchase agreement amount.

Once the agreement is executed, the City has a 30-day inspection period for environmental assessment. The City will then pay the seller earnest money in the amount of \$50,000. The earnest money is protected by the mortgage agreement in favor of the City. The closing date is set for September 30, 2013, when the seller will receive the remaining \$160,895.

The seller will pay outstanding property taxes. The City will waive the remainder of the City owed Confession of Judgment, which is approximately \$8,000 plus interest. The City will also waive outstanding utility charges and penalties that have not been previously assessed. The City has agreed to provide a 40 cubic yard dumpster to assist the seller. The seller is allowed to salvage/remove items prior to closing. At the request of the seller, the City has agreed to salvage the steel beams for the seller.

The City was awarded a HUD/Community Development Block Grant from Ramsey County in the amount of \$139,000 to assist with the purchase of this property. With the use of these funds, a component of affordable housing must be part of redevelopment of the property. The remainder of costs with this purchase, i.e., environmental assessment, demolition, cleanup and restoration will be paid by existing tax increment financing (TIF) funds. No property tax dollars would be used for the purchase of this property.

The EDA has reviewed the purchase agreement and voted 4 to 0 to recommend approval. City purchase of this property will remove a long-time blighted site and avoid condemnation, which is believed to be in the interest of both the City and property owner. The City will seek qualified non-profit developers to redevelop this site with housing. Staff is recommending approval.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to approve the Purchase Agreement for the City acquisition of the Richard McGuire property at 3339 Victoria Street North for the amount of \$210,895, subject to the terms and conditions outlined in said agreement and contingent upon execution of a mortgage as security to the City for the payment of earnest money provided to the Seller prior to closing.

Discussion:

Councilmembers expressed how pleased they are that an agreement was reached and that the City was able to avoid condemnation.

Mayor Martin commended Community Development Director Tom Simonson who has worked long and hard to resolve the issues of the property owner and reach this agreement.

ROLL CALL: Ayes: Quigley, Wickstrom, Withhart, Martin
 Nays: None

WIRELESS TELECOMMUNICATION PERMIT/SITE LEASE - VERIZON WIRELESS, LLC/BUELL CONSULTING, INC., 4344 HODGSON ROAD (SITZER PARK)

Presentation by City Planner Kathleen Nordine

A wireless telecommunication facility permit and ground lease is requested for a monopole in Sitzer Park by Verizon Wireless, LLC. Sitzer Park is zoned R1 Detached Residential and is also a Telecommunications Overlay District-Two (TOD-2). The proposed monopole would be at the northwest corner of the hockey rink. It would be 75 feet in height and would replace the existing light pole but would house lights for the rink. Antennae would be concealed inside the monopole. It is similar in design to the T-Mobile facility that is already on this site. An accessory structure would be built to house equipment and an emergency generator.

The monopole would not be compatible for collocation. The design matches the exterior finish of the T-Mobile monopole. The equipment shelter will match the pavilion. Additional landscaping is required to screen the shelter. The City's consultant, OWL Engineering, has reviewed the proposal and finds that it is in compliance with FCC requirements. Property owners within 350 feet were notified. Four comments were received. One comment requested landscaped screening from the parking lot.

The Planning Commission reviewed the proposal at its May 20th meeting and recommended approval on a 5 to 1 vote.

The site lease agreement is also submitted for approval. Initially, it is a 4-year term with three renewable 5-year terms. The initial rent is \$28,000 annually with an annual escalator of 3%. Staff is recommending approval of the permit and ground lease agreement with the conditions listed in the staff report.

Councilmember Wickstrom asked to verify that there will be landscaping to screen the parking lot. Ms. Nordine stated that a landscaping plan has not yet been submitted but is required. City Manager Schwerm added that the designer of Sitzer Park will help with a landscape plan because there is a drainage easement in that area.

Mr. Tom Harrington, Applicant with Verizon/Buell Consulting, stated that item No. 4 requires the facility to be at the northwest corner of the hockey rink. Verizon has submitted the coordinates for this monopole to the FCC, which has been approved and there is approximately 9 feet of leeway from the northwest corner of the rink. He estimated that it will be about 4 or 5 feet from the corner of the rink. City Manager Schwerm stated that an approximate location near the northwest corner of the rink is not a problem.

Councilmember Withhart asked how close the monopoles can be. **Mr. Harrington** explained that they can be close together because they use different frequencies.

Planning Commissioner Proud stated that a lengthy vetting process has been done regarding wireless communication facility needs, and the Planning Commission thoroughly reviewed this application.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to approve the Wireless Telecommunications Facility Permit (WTFP) application for Verizon Wireless LLC/Buell Consulting to install a 75-foot monopole and equipment within a leased area at Sitzer Park, 4344 Hodgson Road, and to authorize the execution of a ground lease for this site, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Wireless Telecommunications Facility Permit application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
3. This approval is contingent upon the City Council authorizing the lease with Verizon Wireless LLC, including the 20 by 40 foot monopole and equipment lease area, and easements for access and utilities. These easements shall be non-exclusive.
4. The plan shall be revised so that the lease area and shelter are located at the NW corner of the hockey rink. The monopole location shall approximate the location of the existing light standard, and the shelter shall be south of the monopole oriented along a north-south axis.
5. The monopole height, including antennae, shall not exceed 75-feet above existing ground level.
6. The conduit from the equipment cabinet to the monopole shall be routed underground.
7. The site is subject to confirmation that RF emissions conform to FCC requirements. Verizon shall notify the City when the system is installed, prior to operation. A City selected RF engineer shall be provided access to the site to test RF emissions.
8. A landscape plan shall be submitted that includes conifers along the west park boundary and screening for the shelter when viewed from the north, subject to approval of the Building and Grounds Superintendent. A landscape surety shall be submitted to insure the installation of the landscape materials.
9. Upon completion of construction of the WTF, vehicle access for normal maintenance shall be limited to the parking area, unless otherwise approved by the Building and Grounds Superintendent.
10. A permanent emergency power generator may be installed within the equipment shelter. The emergency power generator shall be used for emergency power only, except the times it is being run for routine maintenance, which shall not exceed thirty (30) minutes once a week between the hours of 4:00 p.m. and 6:00 p.m. CST, Monday through Friday, holidays excluded. The operation of the emergency generator shall comply with City regulations pertaining to Noise (Section 209.020 of the Municipal Code).

11. The applicant shall enter into a Wireless Telecommunications Facility Agreement with the City.

This approval is based on the following findings of fact:

1. Is located in the TOD-2 where monopoles with a maximum 75-foot height are a permitted use.
2. Complies with the adopted City standards for Wireless Telecommunication Facilities, as specified in Section 207.040 of the Municipal Code.

ROLL CALL: Ayes: Wickstrom, Withhart, Quigley, Martin
 Nays: None

RICE CREEK NORTH REGIONAL TRAIL MASTER PLAN AMENDMENT - RAMSEY COUNTY

Presentation by City Planner Kathleen Nordine

Ramsey County is seeking support for an amendment to the Rice Creek North Trail Master Plan to extend a trail corridor from County Road I to County Road H and an extension south to Highway 96. Impacts to Shoreview would mean a potential canoe/kayak portage to Rice Creek and an improved crossing at County Road I.

The Comprehensive Plan, Chapter 10, supports an extension of the Rice Creek Trail Corridor to the Highway 96 Regional Trail and supports an extension through the TCAAP property. The Parks and Recreation Commission reviewed the amendment at its June 27, 2013 meeting and voted to support the amendment 7 to 1.

The amendment will be submitted to the Metropolitan Council for approval. Once approved, funding would become available for the improvements. Staff is recommending support of the amendment.

Mr. Greg Mack, Ramsey County Director of Parks and Recreation, introduced consultant Ms. Rita Trapp, who has worked with the County on the Master Plan. The original acquisition was 113 acres. There are 108 acres to be added to this corridor with 49 acres of wildlife refuge. The property is not yet acquired, but there is a license agreement that promises purchase of the property. In order to obtain available funding, the cost of improvements cannot exceed the market value of the property. The reason for action at this time is to try to take advantage of the funding and access the current Bollander and Sons contract that is underway at this time for demolition and remediation in that area. A change order would include the work in this amendment, which would be a cost benefit that would include contractual protections and insurance. It is expected that the property will be transferred at no cost.

Ms. Rita Trapp stated that the focus of the amendment is a 4-mile section of the 14 mile corridor that extends from Anoka County Chain of Lakes to the Mississippi River in Fridley. The intent of the amendment guides development, preservation, management and improvement

of the trail. It is appended to and updates the 1998 Master Plan. This amendment replaces the 2003 amendment and fulfills requirements of the Metropolitan Council's 2030 Regional Parks Policy Plan in order to access funding.

The trail head will have restrooms and 100 parking stalls. Natural surface and cross country ski trails are proposed in addition to the hard surface trail that exists. The north/south trail to Highway 96 will be an asset for the region. She urged support of the resolution which will then be submitted to the Metropolitan Council with the amendment next week.

Councilmember Withhart stated that when County Road I is upgraded, a separation of grade crossing should be part of a proposed crossing at County Road I, either a tunnel or bridge.

Councilmember Wickstrom agreed and suggested moving the crossing further from the intersection and include pedestrian signal lights. **Mr. Mack** stated that further analysis is needed to make a determination on what type of crossing is needed. The County has used pedestrian lights in some instances and that can be explored.

Mayor Martin agreed there are important connections to this trail from Shoreview and thanked Mr. Mack and Ms. Trapp for their presentations.

Mr. Tom Lemke, 5577 Schutta Road, stated that he was the one dissenting vote on the Parks and Recreation Commission. He is in favor of the plan, but a discussion of the north/south vehicle road from County Road I to Highway 96 in 2003 Plan has been removed. Residents in northern Shoreview are landlocked. In order to leave the neighborhood, residents use either 35W or Lexington. A north/south street would open that part of Shoreview. He is afraid that if the plan is put in place as is, the north/south road will not be done. There are other public safety groups, such as the Fire Department, who are on record supporting this north/south road. This is the last best chance for these residents to get an access road.

Mr. Mack stated that in 2003 there was discussion of an elevated road through the wildlife area because a road through it would have substantial impact on wildlife. During discussions of the Vikings Stadium in 2012, there was talk of a road from Schutta Road to go around the wildlife corridor that would be used only on game days. That has been taken off the table.

City Manager Schwerm stated that this is a key safety issue for the Fire Department and Ramsey County Sheriff's Department. This will not be the last opportunity to comment.

Councilmember Wickstrom thanked Mr. Lemke for bringing this issue forward. It is important to state now that a north/south route is needed. She asked if that could be added to the resolution.

Councilmember Quigley stated that there are numerous details and analyses to be worked out for a road. He would not want that to stop this resolution.

Mayor Martin agreed and stated that this resolution does not preclude a north/south road in the future. That decision will continue to be discussed as development occurs.

Councilmember Wickstorm emphasized that the earlier Shoreview makes a statement regarding a north/south road, the more likely it will happen. Mr. Schwerm suggested sending a letter or adopting a separate resolution regarding the issue. Councilmember Wickstrom requested that such a resolution be sent to county officials as well as local legislators and Congresswoman McCollum. It is important for the City to be on record at every level regarding the need for this north/south road.

Mayor Martin stated that at the July 15th City Council meeting, a separate resolution can be adopted.

MOTION: by Councilmember Withhart, seconded Councilmember Wickstrom to adopt Resolution 13-59 supporting the amendment to the Ramsey County's Rice Creek North Trail Master Plan. The Master Plan amendment reflects current acquisition development plans for the central portion of the trail corridor that runs from County Road I to County Road H just east of Interstate 35W, as well as a trail extension to the south to connect with Highway 96 regional trail. This amendment is also consistent with Shoreview's 2008 Comprehensive Plan.

ROLL CALL: Ayes: Withhart, Quigley, Wickstrom, Martin
Nays: None

ADJOURNMENT

MOTION: by Councilmember Withhart, seconded by Councilmember Quigley to adjourn the meeting at 8:40 p.m.

VOTE: Ayes - 4 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 15TH DAY OF JULY 2013.

Terry Schwerm
City Manager